

MINUTES OF MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JULY 1, 2010

The Maple River Water Resource District Board met on July 1, 2010, at 9:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Rodger Olson, Chairman; Jurgen Suhr, Manager; Wesley Beilke, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Kimberly Bomstad, Accounting Tech/Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Kurt Lysne, Engineer for the Board; Dane Larsen, property owner in Raymond Township; Hank Weber, property owner in Gill Township and Wayne Kellerman and Tim Torgerson, property owners in Watson Township.

Low water crossing near the outlet of Drain #14 between Sections 24 and 25 of Raymond Township

Dane Larsen asked which entity is supposed to maintain the low water crossing near the outlet of Drain #14 between Sections 24 and 25 of Raymond Township. Sean Fredricks said if the low water crossing is not part of the legal drain, the matter would be between Raymond Township and Cass County. If it is part of the drain, the Water Resource District and Cass County would follow a 60/40 cost share. The Board directed Moore Engineering, Inc. to verify the right-of-way and whether there is a permit for the crossing.

Drainage Complaint from Dean Sprunk against Kellerman Brothers (David Kellerman, Wayne Kellerman and Larry Kellerman) in the SE 1/4 and the NE 1/4 of Section 36 of Highland Township and the NW 1/4 of Section 31 of Watson Township and Obstruction to Drain Complaint from Dean Sprunk against the Kellerman Brothers in the NE 1/4 of Section 36 in Highland Township and the NW 1/4 of Section 31 in Watson Township

The complaints from Dean Sprunk against the Kellerman Brothers were discussed. Water flowing north along Cass County Highway 7 backed up against the east west road on the north side of Section 36 in Highland Township. A flap gate on the west end of the pipe through Cass County Highway 7, just south of the east west road along the north side of Section 36 of Highland Township and Section 31 of Watson Township prevents water from flowing east. The flap gate was installed by Cass County at the request of Wayne Kellerman.

Mr. Kellerman suggested putting a sluice gate on the culvert to control the water through the culvert that feeds the natural drain in the NE 1/4 in Section 36 of Highland Township. Manager Olson said the county is concerned about impacting the road if the drain is

ordered closed. The county is going to look into lowering a culvert further north through Cass County Highway 7. They would also need to clean the road ditch through that area.

Tim Torgerson said Watson Township approved the installation of the culvert through the east-west county road along the north side of Section 31.

The Board directed the Secretary-Treasurer to invite the Cass County Engineer and the parties involved to the next meeting to discuss the matter.

Buffalo Creek issues in Sections 23, 24, 25 and 26 of Gill Township

Hank Weber reviewed drainage concerns along Buffalo Creek in Sections 23, 24, 25 and 26 of Gill Township. He is concerned about the Buffalo Creek cutting a new path. Mr. Fredricks said the board has statutory authority to remove an obstruction if authorization is given to enter a property, but Mr. Weber would need to file a complaint first. Mr. Weber said there is also a problem with a beaver dam in the channel. The Board suggested he work with the property owner and contact Jarrett Christoferson to work on the matter.

Maple River Dam - complaint of river bank erosion

Tim Torgerson informed the Board that the river bank is eroding on his property, which is located four miles downstream from the Maple River Dam. He believes it is due to water flowing faster from the spillway. Kurt Lysne pointed out the Maple River Dam reduces the amount of water on his property. Mr. Torgerson agreed the water would come slower, but the duration would be longer. The Board advised Mr. Torgerson to contact Keith Westin, Cass County Soil Conservation District, to see if there are any programs available to assist him.

Swan Creek Diversion

It was moved by Manager Suhr and seconded by Manager Beilke to approve the *Bridge Easement* for Casselton Park District in the SW 1/4 of Section 35 in Casselton Township. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Beilke and seconded by Manager Suhr to approve the *Petition for Section Line Closure* between Sections 1 and 2 of Everest Township. Upon roll call vote, the motion carried unanimously.

Utility Permit for Qwest Corporation to install communications cable across Swan Creek Diversion east of State Highway 18

It was moved by Manager Suhr and seconded by Manager Beilke to approve the *Utility Permit* for Qwest to install communications cable across Swan Creek Diversion east of State Highway 18, subject to the conditions set out by the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

Absaraka Dam

It was moved by Manager Suhr and seconded by Manager Beilke to approve the Natural Resources Conservation Service Project Agreement and ADS-78 form regarding improvements at Absaraka Dam, contingent upon approval of additional funding from the State Water Commission and Red River Joint Water Resource District. Upon roll call vote, the motion carried unanimously.

Pledges of Security

It was moved by Manager Beilke and seconded by Manager Suhr to approve the following Pledge of Assets:

Alerus Financial (as per agreement of March 7, 1996)

Upon roll call vote, the motion carried unanimously.

Motion authorizing the Secretary-Treasurer to make transfers

It was moved by Manager Suhr and seconded by Manager Beilke to authorize the Secretary-Treasurer to close out the Casselton Township Improvement District No. 62 Construction Fund 2301 to the Casselton Township Improvement District No. 62 Principal and Interest Fund 2460. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Beilke and seconded by Manager Suhr to authorize the Secretary-Treasurer to transfer funds from the Casselton Township Improvement District No. 64 maintenance fund 2164 to balance and close out Casselton Township Improvement District No. 64 Construction Fund 2303. Upon roll call vote, the motion carried unanimously.

Minutes

It was moved by Manager Suhr and seconded by Manager Beilke to approve the minutes of the June 4, 2010, meeting. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Beilke and seconded by Manager Suhr to approve payment of Checks #4701 through #4711 and the electronic funds transfer, as presented. Upon roll call vote, the following Managers voted in favor: Olson, Suhr and Beilke. The Chairman declared the motion passed.

2011 Budget and 2010 Maintenance Levy Assessments

The Board worked on its 2011 Budget and 2010 Maintenance Levy Assessments.

Cattail, noxious weed and tree spraying

It was moved by Manager Suhr and seconded by Manager Beilke to authorize the Secretary-Treasurer to work with Stan Wolf, Cass County Weed Control, to coordinate spraying cattails, noxious weeds and trees on Maple River Water Resource District facilities. Upon roll call vote, the motion carried unanimously.

Meeting schedule

The Board decided to move its next regular meeting to August 5, 2010, at 9:00 a.m.

Drain #62

Kurt Lysne informed the Board that Red River Valley and Western Railroad is considering closing the bridge between Sections 2 and 3 of Everest Township and draining the water north into Drain #62 in Section 34 of Casselton Township. Red River Valley and Western Railroad submitted a state drainage permit application for the project. The Board will review and comment on the project when the permit application is received from the state.

Adjournment

There being no further business to be considered by the Board, it was moved by Manager Beilke, seconded by Manager Suhr and unanimously carried to adjourn the meeting.

APPROVED:

Rodger Olson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer